

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

K.E.,	:	CIVIL ACTION NO. 1:15-CV-1634
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
DOVER AREA SCHOOL	:	
DISTRICT, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 18th day of May, 2016, upon consideration of the motions to dismiss filed by defendants Lincoln Intermediate Unit 12 (“Lincoln”) (Doc. 21) and Dover Area School District (“the District”) and Richard Nilsen (“Nilsen”) (Doc. 22), and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 21) to dismiss filed by Lincoln is GRANTED to the extent it seeks dismissal of Count III of plaintiff K.E.’s amended complaint (Doc. 4) with respect to the 42 U.S.C. § 1983 claim. The motion (Doc. 21) is DENIED in all other respects.
2. The motion (Doc. 22) to dismiss filed by the District and Nilsen is GRANTED in part as follows:
 - a. Count I is DISMISSED with prejudice as to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and Fourth Amendment claims.
 - b. Nilsen is DISMISSED from the above-captioned matter. The official-capacity claims are DISMISSED with prejudice, and the individual-capacity claims are DISMISSED without prejudice.
 - c. The motion (Doc. 22) is DENIED in all other respects.

3. K.E. is granted leave to amend her pleading within twenty (20) days of the date of this order. Consistent with paragraph 1, K.E. may correct the deficiency in Count III by adding Lincoln Intermediate Unit 12 as a defendant on Counts I and II. In the absence of a timely filed second amended complaint, the above-captioned action shall proceed on the remaining claims.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania